

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF
PENNSYLVANIA,

Plaintiff,

v.

Civil Action No. 2:17-cv-04540 (WB)

DONALD J. TRUMP, in his official
capacity as President of the United States;
ALEX M. AZAR II, in his official
capacity as Secretary of Health and
Human Services; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; STEVEN T.
MNUCHIN, in his official capacity as
Secretary of the Treasury; UNITED
STATES DEPARTMENT OF THE
TREASURY; RENE ALEXANDER
ACOSTA, in his official capacity as
Secretary of Labor; and UNITED STATES
DEPARTMENT OF LABOR,

Defendants.

**MOTION FOR EXTENSION OF THE DEADLINE TO ANSWER OR OTHERWISE
RESPOND TO THE AMENDED COMPLAINT**

Federal Defendants hereby move for an extension of the deadline to answer or otherwise respond to the amended complaint until 21 days after the Court rules on the pending motion to stay.

1. The Court issued a preliminary injunction, enjoining the enforcement of two rules¹ issued by three federal agencies. *Pennsylvania v. Trump*, 2019 WL 190324 (E.D. Pa. Jan. 14, 2019).

¹ Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the ACA, 83 Fed. Reg. 57,536 (Nov. 15, 2018); Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the ACA, 83 Fed. Reg. 57,592 (Nov. 15, 2018)

2. Federal Defendants have appealed that ruling, ECF No. 139, as have the intervenors, ECF No. 138.
3. Federal Defendants have also filed with this Court a motion to stay further proceedings pending resolution of those appeals.
4. Federal Defendants, through this motion, seek an extension of the deadline to answer or otherwise respond to the amended complaint in this case. The deadline to answer or otherwise respond to the complaint is currently February 28, 2019. The Court previously extended the deadline after Federal Defendants sought a stay of the case, or in the alternative an extension of the answer deadline, based on the lapse in appropriations. *See* ECF No. 103.
5. Specifically, Federal Defendants request that the deadline to answer or otherwise respond to the complaint be set for 21 days after the Court rules on the pending stay motion. If the stay motion is granted, that would mean that the response to the amended complaint would be due 21 days after any stay is lifted. If the stay motion is denied, then the response to the complaint would be due 21 days after the Court's ruling on the motion to stay proceedings.
6. Good cause exists for this motion. First, counsel for Federal Defendants face numerous competing deadlines prior to February 28, 2019, in part as a result of the 35-day lapse in appropriations. Second, it would not be an efficient use of limited government resources for counsel for Federal Defendants to craft a response to the amended complaint now if the Court determines that a stay pending appeal is appropriate, as Federal Defendants argue in their stay motion. Federal Defendants' response to the complaint will likely be significantly different with guidance from

subsequent court decisions, and the resources devoted to crafting an answer now will not have been well spent. Finally, if the Court denies the requested stay motion, the requested 21-day extension will give the government sufficient time to compose a response to the amended complaint.

7. Plaintiffs oppose this request. The Intervenor-Defendant does not oppose it.

Thus, for the reasons stated above, Federal Defendants request that the deadline to answer or otherwise respond to the amended complaint be set for 21 days after the Court rules on the pending stay motion.

DATED: February 14, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

MICHELLE R. BENNETT
Assistant Director, Federal Programs Branch

/s/ Justin M. Sandberg
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CERTIFICATE OF SERVICE

I hereby certify that, on February 14, 2019, a copy of the forgoing document was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED this 14th day of February, 2019.

s/ Justin M. Sandberg
JUSTIN M. SANDBERG
Senior Trial Counsel
Unite States Department of Justice